

Federal Communications Commission

DA 04-1345

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Anniston, Alabama)

MB Docket No. 03-229
RM-10795

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 13, 2004

Released: May 21, 2004

By the Chief, Video Division:

1. At the request of TV Alabama, Inc., licensee of station WJSU-TV, NTSC channel 40, Anniston, Alabama, the Commission has before it the Notice of Proposed Rule Making, 18 FCC Rcd 23040 (2003), proposing the substitution of DTV channel 9 for WJSU's assigned DTV channel 58. TV Alabama filed comments affirming its intention in applying for DTV channel 9, if allotted. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 9 for DTV channel 58, since it would enable station WJSU to operate on an in-core channel. DTV channel 9 can be allotted to Anniston, Alabama, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 33-36-24 N. and 86-25-03 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WJSU-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (Thous.)</u>
AL Anniston	9	15.6	359	1319

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 6, 2004, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Anniston, Alabama	9

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, TV Alabama, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 9 in lieu of DTV Channel 58 for station WJSU-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau